



Municipality of
Dutton Dunwich

By-Law No. 2021-63

**BEING A BY-LAW TO REGULATE THE DISPLAY, SALE AND SETTING OFF OF
FIREWORKS IN THE MUNICIPALITY OF DUTTON DUNWICH**

WHEREAS the Council of the Corporation of the Municipality of Dutton Dunwich deems it necessary to prohibit and regulate the sale, storage, display and discharge of fireworks in the Municipality of Dutton Dunwich.

AND WHEREAS Section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, permits a municipality to pass by-laws prohibiting and regulating the sale and the setting off of fireworks;

AND WHEREAS Section 121 of the *Municipal Act, 2001*, S.O. 2001, c.25, as amended, states that a municipality may require that a permit be obtained for the sale and setting off of fireworks, and that conditions may be prescribed by the municipality for obtaining, continuing to hold and renewing said permit;

NOW THEREFORE, the Council of the Corporation of the Municipality of Dutton Dunwich enacts as follows:

1. Interpretation

In this By-law the following terms shall have the corresponding meanings:

- a) "**Display Unit**" means a bin, crate, box case or other device used to display fireworks to the public;
- b) "**Duty of Care**" means everyone who has an explosive substance in his or her possession or under his or her care and control is under a legal duty to use reasonable care to prevent bodily harm and death to persons, or damage to property by that explosive device;
- c) "**Family Fireworks**" shall mean low hazard fireworks generally used for recreation;
- d) "**Fire Chief**" shall mean the Fire Chief of Dutton Dunwich Fire Department and members of the fire department under the direction of the Fire Chief;
- e) "**Fireworks**" means any and all classes of fireworks, including and without limiting the generality of the foregoing the following clauses which are included in the Federal Explosives Act, R.S.C., 1985, c #-17, Ministry of Natural Resources;
 - (i) "**Low-hazard**" fireworks for recreation such as firework showers, fountains, golden rain, lawn lights, pin wheels, Roman candles, volcanoes and sparklers;
 - (ii) "**High-hazard**" fireworks for recreation such as rockets, serpents, shells, bombshells, tourbillions, maroons, large wheels, bouquets, barrages, bombardon, waterfalls, fountains, mines and firecrackers (also known as "display fireworks").
- f) "**Fireworks Display**" shall mean high hazard fireworks generally used for recreation
- g) "**Fireworks vendor**" means any person, organization or company that sells, displays, or offers fireworks for sale;
- h) "**Flying Lanterns**" means a small hot air balloon made of treated paper or any other material, with an opening at the bottom which is propelled by an open

flame generated by a small candle or fuel cell, allowing a balloon to rise and float in the air, uncontrollably while ignited;

- i) **"Mobile Vending Structure"** means any vehicle, roadside stand or temporary structure, tent or air-supported structure or other conveyance in or from which fireworks are displayed, sold or offered for sale;
- j) **"Person"** includes a corporation;
- k) **"Site"** means any area within the Municipality of Dutton Dunwich on which fireworks are displayed, sold or offered for sale;
- l) **"Site Plan"** means a drawing of a site which includes all applicable measurements of every vending structure and the surrounding area within 100 metres of the site on which all buildings and structures, streets or other landmarks are indicated;
- m) **"Temporary Vendor"** means any person, organization or company that sells displays or offers fireworks for sale from a mobile vending structure.

2. When Sales Permitted

No person shall display, offer for sale or sell fireworks or any class or classes thereof except on the days being observed as Victoria Day and Canada Day and for seven (7) days prior to the days being observed as Victoria Day and Canada Day.

3. Sales

No person shall display, offer for sale or sell fireworks unless the person is in compliance with all applicable provisions of this By-law.

4. By-law Posting

Every fireworks vendor shall ensure that a copy of this By-law is posted on the site in a conspicuous place visible to the public.

5. Sale to Minors Prohibited

- a) No person shall sell fireworks to any person under the age of eighteen (18) years;
- b) No person shall sell fireworks to any person without a sign being present on the site and clearly visible to the public, in each display unit, stating that sales to persons under eighteen (18) years of age are prohibited.

6. Storage and Display of Fireworks

- a) When fireworks are displayed for sale within any building, the fireworks vendor shall ensure that no lot, bin or bundle of fireworks shall exceed a weight of 25 kilograms and no fireworks shall be exposed to direct sunlight;
- b) Where the total stock of fireworks on a site exceeds a weight of 1,000 kilograms, the fireworks vendor shall require a licence from the Explosives Safety and Security Branch of Natural Resources Canada (NRCan);
- c) Every fireworks vendor shall ensure that all fireworks displayed or offered for sale are kept within an enclosed, non-combustible display unit, locked and accessible only to employees of the fireworks vendor;
- d) No person shall have in his or her possession within six (6) metres of any fireworks kept or displayed for sale a lighted match, lighted lighter, lighted pipe, lighted cigar, lighted cigarette or any other lighted fire producing device;
- e) Every fireworks vendor shall ensure that all fireworks that remain unsold at the expiration of the selling period specified in Section 2 of this By-law are

immediately stored in a cool, dry place remote from flammable materials and inaccessible to the public;

f) Every person or organization who stores fireworks shall use reasonable care to ensure that those fireworks are not accessible to children.

g) No person shall display, offer to sell or sell any flying lanterns

7. Temporary Vendor

Temporary vendors are not permitted to sell, display or offer to sell fireworks from a mobile vending structure in the Municipality of Dutton Dunwich.

8. Discharge of Fireworks

a) No person shall discharge any fireworks on municipally-owned lands unless permission to do so has been given by Municipal Council, which permission may be subject to terms and conditions, including but not limited to, the provision of liability insurance, in the amount of \$5,000,000.00, naming the Municipality of Dutton Dunwich as an additional insured;

b) No person shall discharge any fireworks within the Municipality at any time except on the days observed as Victoria Day and Canada Day and on the day immediately preceding Victoria Day and Canada Day, unless permission to do so has been given by Municipal Council or Fire Chief;

c) In addition to subsection (a) and (b) of this section, no person shall discharge any fireworks within the Municipality except between the hours of dusk and 11:00 p.m. on the day such discharge is permitted;

d) Every person who discharges family fireworks shall be mindful of their duty of care to individuals and property.

9. Fireworks Displays

a) No person or organization shall conduct a fireworks display using high-hazard fireworks within the Municipality without first obtaining approval to do so from the Municipal Council or Fire Chief;

b) No person or organization approved by Municipal Council or Fire Chief to conduct a high-hazard fireworks display shall do so without first obtaining a permit from the Municipality of Dutton Dunwich Fire Department to conduct the fireworks display;

c) No person shall be permitted to set off high-hazard fireworks in a fireworks display without first successfully completing a fireworks supervisor course and holding a valid Fireworks Supervisor Card;

d) No person shall use any fireworks in a fireworks display other than those authorized pursuant to the *Explosives Act* Regulations of the Ministry of Natural Resources. Every person having control of any fireworks to be used in a fireworks display shall ensure that such fireworks are stored in a cool, dry place remote from flammable materials and inaccessible to the public;

e) No person shall set off any flying lanterns;

f) Every person or organization that conducts a fireworks display shall ensure that all fireworks that failed to fire are immediately disposed of in a safe manner having regard to the particular type of fireworks involved;

g) Every person or organization that conducts a fireworks display shall ensure that all unfired fireworks are subsequently stored in accordance with Section 9(e) of this By-law;

h) Every person or organization that conducts a fireworks display shall submit a fireworks permit for approval by Municipal Council or Fire Chief

10. Offence

It shall be an offence for any person to contravene any provision of this By-law.

11. Penalties

Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33 or any successor thereof.

12. Enforcement & Investigation

a) Enforcement Officers and Powers

The Municipality of Dutton Dunwich, for the purposes of enforcement of this By-law appoints the following persons to do enforcement:

- Dutton Dunwich Fire Chief & Members of the Dutton Dunwich Fire Department
- Members of the Ontario Provincial Police
- By-law / Provincial Offences Officers appointed by the Municipality
- Any person appointed by the Municipality to enforce this regulation

b) Investigation

Anyone who is appointed for the purposes of enforcement can enter onto private property to determine if a violation of this regulation is taking place and or to inspect to ensure that this regulation is taking place and or to inspect to ensure that this regulation is being obeyed and guidelines being followed.

13. Short Title

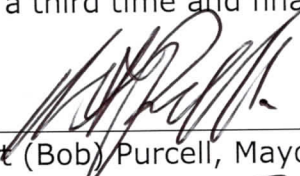
This By-law shall be known as the "SELL/DISPLAY FIREWORKS BY-LAW".

14. THAT this By-law shall come into force and effect upon the final passing thereof.

15. AND THAT by-law 2015-33 enacted by the Council of the Municipality of Dutton Dunwich in hereby repealed.

READ a first and second time this 8th day of September, 2021.

READ a third time and finally passed this 8th day of September, 2021.



Robert (Bob) Purcell, Mayor



Heather Bouw, CAO/Clerk

Schedule "A" to By-law #2021-63: Fireworks
Municipality of Dutton Dunwich

SET FINE SCHEDULE

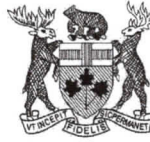
PART 1 – Provincial Offences Act

Item	Column 1 Short Form Wording	Column 2 Provision Creating of Defining Offence	Column 3 Set Fine
1.	Sell/display of fireworks	2	\$500.00
2.	Display fireworks in bundles greater than 25 kilograms	6.a	\$500.00
3.	Display fireworks in direct sunlight	6.a	\$500.00
4.	Failure to obtain license from Explosives Safety and Security Branch of Natural Resources Canada (NRCan)	6.b	\$500.00
5.	Failure to keep fireworks in enclosed, non-combustible and locked display unit	6.c	\$500.00
6.	Possessing lighted match or other fire producing device within 6 metres of a firework(s)	6.d	\$500.00
7.	Inadequate storage of fireworks	6.e	\$500.00
8.	Display, offer to sell any flying lantern	6.g	\$500.00
9.	Discharge fireworks on municipal property without permission	8.a	\$500.00
10.	Discharge fireworks within Municipality when not permitted	8.b	\$500.00
11.	Discharge fireworks before dusk or after 11:00 pm on permitted day(s)	8.c	\$500.00
12.	Conducting a high-hazard fireworks display without permission of Council or Fire Chief	9.a	\$500.00
13.	Conducting a high-hazard fireworks display without permission and permit from Dutton Dunwich Fire Department	9.b	\$500.00
14.	No person shall set-off any flying lanterns	9.e	\$500.00

The Penalty Provision for the offences listed above is section 11 of By-law 2021-63 a certified copy of which has been filed, and s. 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33, as amended.

OFFICE OF THE REGIONAL SENIOR JUSTICE
ONTARIO COURT OF JUSTICE
WEST REGION

80 DUNDAS STREET, 10th FLOOR, UNIT L
LONDON, ONTARIO N6A 6A8



CABINET DU JUGE PRINCIPAL RÉGIONAL
COUR DE JUSTICE DE L'ONTARIO
RÉGION DE L'OUEST

80, RUE DUNDAS, 10^e ÉTAGE, UNITÉ L
LONDON (ONTARIO) N6A 6A8

TELEPHONE/TÉLÉPHONE (519) 660-2292
FAX/TÉLÉCOPIEUR (519) 660-3138

November 15, 2021

Ms. Tara Kretschmer
Deputy Clerk
Municipality of Dutton Dunwich
Box 329, 199 Currie Road
Dutton, Ontario N0L 1J0

Dear Ms. Kretschmer:

**Re: Set Fines - Provincial Offences Act - Part I
By-law Number 2021-63, of the Municipality of Dutton Dunwich**

Enclosed herewith is an original Order, and an original schedule of set fines for the above referenced By-Law, the By-law indicated in the schedule.

The setting of the fines does not constitute my approval of the short form of wording used to describe the offences.

Please ensure that a copy of the said documents is forwarded to the Provincial Offences Offices in St. Thomas together with a copy of the By-Law.

Yours truly,

A handwritten signature in cursive script that reads "Jeanine LeRoy".

Jeanine E. LeRoy
Regional Senior Justice
West Region

encl.
/dh

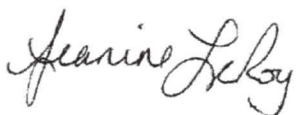
ONTARIO COURT OF JUSTICE

PROVINCIAL OFFENCES ACT

PART I

IT IS ORDERED pursuant to the provisions of the Provincial Offences Act and the rules for the Ontario Court of Justice that the amount set opposite each of the offences in the schedule of offences under the Provincial Statutes and Regulations thereunder and Municipal By-law No. 2021-63, of the Municipality of Dutton Dunwich, attached hereto are the set fines for those offences. This Order is to take effect November 15, 2021.

Dated at London this 15th Day of November 2021.



Jeanine E. LeRoy
Regional Senior Justice
West Region